

Regd. No. NW/CH-22

Regd. No. CHD/0092/2015-2017

Price : Rs 2.70



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, FRIDAY, OCTOBER 28, 2016
(KARTIKA 6, 1938 SAKA)

LEGISLATIVE SUPPLEMENT

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PART III
GOVERNMENT OF PUNJAB
DEPARTMENT OF AGRICULTURE
(MANDI BRANCH)

NOTIFICATION

The 26th October, 2016

No. G.S.R.73/PA23/1961/Ss 18 and 43/Amd.(6)/2016.- In exercise of the powers conferred by section 43 read with section 18 of the Punjab Agricultural Produce Markets Act, 1961 (Punjab Act No. 23 of 1961), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab State Agricultural Marketing Board (Sale and Transfer of Plots) Rules, 1999, namely:-

RULES

1. (1) These rules may be called the Punjab State Agricultural Marketing Board (Sale and Transfer of Plots) (First Amendment) Rules, 2016.
(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.
2. In the Punjab State Agricultural Marketing Board (Sale and Transfer of Plots) Rules, 1999, (hereinafter referred to as the said rules), in rule 4, for sub-rules (6) and (7), the following sub-rule shall be substituted, namely:-

“(6) (a) If any allottee fails to pay the consideration money or any installment thereof, the Estate Officer may, by notice in writing, call upon the allottee to show cause within a period of thirty days, as to why a penalty (which shall not exceed ten percent of the amount due from the allottee as may be determined by the State Government from time to time) be not imposed upon him .
(b) After considering the cause, if any, shown by the allottee and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer may, for reasons to be recorded in writing, make an order imposing the penalty and direct that the amount due alongwith the penalty shall be paid by the allottee within such period as may be specified in the order.
(c) If the allottee fails to pay the amount due along with the penalty in accordance with the order made under clause (b) or commits breach of any other condition of sale, the Estate Officer may, by notice in writing, call upon the allottee to show cause within a period of thirty days, as to why an order of

resumption of the site or building, or both, as the case may be, and forfeiture of the whole or any part of the money, if any, paid in respect thereof (which in no case shall exceed ten per centum of the total amount of the consideration money, interest and other dues payable in respect of the sale of the site or building or both) should not be made.

(d) After considering the cause, if any, shown by the allottee in pursuance of a notice under clause (c) and any evidence that he may produce in support of the same and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer may, for reasons to be recorded in writing, make an order resuming the site or building or both, as the case may be, so sold and directing the forfeiture, as provided in clause (c), of the whole or any part of the money paid in respect of such sale”.

3. In the said rule, for rule 8, the following rules shall be substituted namely:-

“8. Time within which building is to be erected.- The allottee shall complete the building, as per the approved building plan obtained from the Estate Officer, within a period of five years from the date of issue of allotment letter, failing which the Estate Officer may resume the land or building, as the case may be, in accordance with these rules:

Provided that the Estate Officer may extend the period of five years, if he is satisfied that the building could not be completed by the allottee due to the reasons beyond the control of the allottee on payment of such fees as specified in the table given below:

Number of years	Fee to be charged
0-5 year	No fee shall be charged
6th year	2% of allotment price or the auction price, as the case may be
7th year	4% of allotment price or the auction price, as the case may be
8th year	6% of allotment price or the auction price, as the case may be
9th year	8% of allotment price or the auction price, as the case may be
10th year	10% of allotment price or the auction price, as the case may be

Provided further that the period of extension shall not exceed five years , which shall be counted after the expiry of period of five years from the date of issue of the allotment letter and the fee for the period of extension shall be paid by the allottee within a period of thirty days from the date of the order, made with regard there to by the Estate Officer.

However,no further time, whatsoever, shall be granted for the said purpose and in case the construction of the building is not completed within the aforesaid period of extention, the Estate Officer may initiate the proceeding under the rules for resumptions of plot alongwith incomplete building, if any, and allottee shall have no claim to any damages.

8-A. Condition for additions .-(1) The allottee of plot, who intends to construct basement as per the approved building plan and conditions imposed therein, shall pay an additional amount equal to ten percent of the total price of the plot calculated at Collector rate as applicable at the time of application.

(2) If an allottee of plot intends to construct upper storey up to first floor, such allottee shall have to pay an additional amount equal to ten percent of the total price of the plot calculated at Collector rate as applicable at the time of application. No second storey shall be allowed to be constructed on booths.

(3) Where basement in shops/booths and upper storey in the shops/booths has already been constructed by the allottees in violation of rules, the same can be got regularized after payment of composition fee equal to fifteen percent of the total price of the plot calculated at Collector rate as applicable at the time of making application for regularization for such violation (basement or upper storey). Thereafter, the completion certificate in this respect shall be issued by the authority concerned.

(4) The allottee of plot, who intends to make partition of plot which are twenty feet wided or more, can do so under intimation to the Estate officer. The front of each plot after partition shall not be less than ten feet wide and the structure shall be safe. In such cases, the allottee shall pay rupees ten thousand as partition fee in lumpsum.

(5) Where an allottee has already partitioned the plot, he shall intimate in writing to the Estate Officer, along with certificate from the structural engineer to the effect that the structure is safe. The allottee shall pay rupees twenty thousand in lumpsum as partition fee.

(6) If an allottee of plot intends to cover the back court yard upto ground floor, the same can be got approved by making an application along with fee equal to ten percent of the total price of plot calculated at the Collector rate as applicable at the time of the application. No upper storey shall be allowed over back courtyard.

(7) Where the back courtyard has already been covered, the same can be got regularized by making an application alongwith composition fees equal to fifteen percent of the total price of the plot calculated at the Collector rate as applicable at the time of the application. No upper storey shall be regularized over back courtyard. Allottee shall also have to get the plan approved from the competent authority as well.

(8) Before making an application under sub-rule (1),(2), or (3), the allottee/applicant shall furnish a certificate issued by duly licensed/approved structural Engineer to the effect that the structure is safe for construction of basement and / or upper storey, as the case may be. The structural Engineer shall have valid license from any approved authority like Public Works Department ,Punjab Urban Planning and Development Authority and Greater Mohali Area Development Authority for Estate office etc.

(9) Basement shall be used only for storage purpose and in no case the same shall be used for commercial or residential purposes.

(10) Notwithstanding anything contained in the preceding sub-rules, the charges of ten percent and fifteen percent shall be six percent and ten percent respectively as one time measure and only for three months from the date of publication of the Punjab State Agricultural Marketing Board (Sale and Transfer of Plots) (First Amendment) Rules, 2016, in the official Gazette.”

4. In the said rules, for rule 11, the following rule shall be substituted, namely:-

“11. Use of site.- The allottee/transferee shall use the site only for the purpose for which it has been allotted and for no other purpose:

Provided that the competent authority may, for reason to be recorded in writing, allow change of use of site, except Aarhat shops, as may be compatiable with the lay out plan of the mandi, if the Master Plan of that area is not yet notified.

The Change of use of Aarhat shops is allowed only in such mandies, where the business of Aarhat is reduced considerably due to shifting of business in New established Market (Mandi):

Provided further that the fees or charges for change of land use so allowed shall be determined by the competent authority, The fees shall be received through Bank Draft only and the proceed of such payment shall by utilized for the development of Market (Mandi) only.”

N.S. KALSI,
Additional Chief Secretary (Development)
to Government of Punjab,
Department of Agriculture.

1125/10-2016/Pb. Govt. Press, S.A.S. Nagar